

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARTHA MAE MITCHELL,

Defendant.

**CR-13-33-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 28, 2018. (Doc. 55.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 26, 2018. (Doc. 53.) Mitchell admitted that she violated the conditions of her supervised release. Mitchell violated the conditions of her supervised released by (1) using methamphetamine; and (2) failing to participate in substance abuse treatment.

(Doc. 55 at 1.) Mitchell denied that committed another crime by possessing dangerous drugs and drug paraphernalia. *Id.* The United States did not meet its burden regarding this allegation. *Id.* at 4.

The violations prove serious and warrant revocation of Mitchell's supervised release. Judge Johnston has recommended that the Court revoke Mitchell's supervised release and commit Mitchell to the custody of the Bureau of Prisons for eight months. *Id.* at 6. Judge Johnston has recommended that Mitchell have a period of supervised release of twenty-eight months following her custody period. *Id.* at 6. Judge Johnston has further recommended that Mitchell undergo a chemical dependency evaluation and shall attend treatment as directed by the United States Probation Office.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Mitchell's violations of her conditions represent a serious breach of the Court's trust. A sentence of custody of eight months, followed by twenty-eight months of supervised release, represents a sufficient, but not greater than necessary sentence.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 55) is ADOPTED IN FULL.

**IT IS FURTHER ORDERED** that Defendant Martha Mae Mitchell be sentenced to custody for eight months followed by twenty-eight months of supervised release.

DATED this 24th day of July, 2018.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Brian Morris  
United States District Court Judge